

## COUNTY OF Erie

SEARCH WARRANT  
AND AUTHORIZATIONDocket Number  
(Issuing Authority):Police Incident  
Number: E1-1132424Warrant Control  
Number: E1-1132424

Trooper Mark VAN HORN

PA State Police

814-898-1641

02/28/05

AFFIANT NAME

AGENCY

PHONE NUMBER

DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

Any human blood, hair, fingerprints, footprints, fibers, body fluids, clothing, and any instruments that may have been used as weapons by the actors or victim during the duration of this incident, including but not limited to a pump action shotgun, (Winchester Model 1300, serial #L2290391). Photographic images of the crime scene and surrounding area. Video surveillance footage, either digital or tape, recording the arrival, exit, covert surveillance (casing) of the scene or commission of the offense by the actors.

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

Residence located at 10680 Station Road, Greenfield Twp, Erie County, including, but not limited to the basement. The structure is identified as a ranch style single family home oriented with its roof line running east to west, with a walk out basement, yellow siding, main entrance to the home is on the south side of the structure, with wood deck on north side of it. Including curtilage as well as areas where the actors could have accessed or fled the residence.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Leon F. AKERLY II, w/n-m, 03/13/68, 10680 Station Rd, North East, PA 16428

VIOLATION OF (Describe conduct or specify statute):

Robbery, Burglary, Agg. Assault

DATE(S) OF VIOLATION:

02/28/05

☐ Warrant Application Approved by District Attorney – DA File No. \_\_\_\_\_  
(If DA approval required per Pa.R.Crim.P. 2002A with assigned File No. per Pa.R.Crim.P. 107)

☐ Additional Pages Attached (Other than Affidavit of Probable Cause)

☒ Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: \_\_\_\_\_

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.

PA State Police

8075

Signature of Affiant

Agency or Address if private Affiant

Badge Number

Sworn to and subscribed before me this 28 day of Feb 2005. Mag. Dist. No. 06-3-02

Office Address

(SEAL)

SEARCH WARRANT  
TO LAW ENFORCEMENT  
OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

☒ This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than:

☐ This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than: \*\*

9:30P M, o'clock 28 Feb 2005

\* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 2005(d).

\*\* If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 2006(g).

Issued under my hand this 28 day of Feb 2005 at 3:15 P M, o'clock.

Mag. Dist. or Judicial Dist. No.

Date Commission Expires:

Title of Issuing Authority: ☒ District Justice ☐ Common Pleas Judge ☐
☐ For good cause stated in the affidavits(s) the Search Warrant Affidavit(s) are sealed for \_\_\_\_\_ days by my certification and signature. (Pa.R.Crim.P. 2011)

Signature of Issuing Authority (Judge of the Court of Common Pleas or Appellate Court Justice or Judge).

(Date) (SEAL)

AFFIDAVIT OF  
PROBABLE CAUSE

## COUNTY OF Erie

Docket Number

Police Incident

Warrant Control

(Issuing Authority):

Number: E1-1132424

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**PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:**

I, the Affiant, am a Pennsylvania State Trooper currently assigned to the Criminal Investigation Unit at the Troop E, Erie Barracks. I have been a Trooper for over eight years. As such, I am authorized to conduct criminal investigations and to make arrests for violations of the PA Crimes Code, as well as other statutes.

The following information was obtained during the initial stages of this investigation. As a result of an interview that was conducted by Trooper Mark RUSSO, PSP Erie, C.I.U.: It was learned that the actors in this incident are comprised of five adults and one juvenile, all male. The six individuals conspired to go to victim, AKERLY's residence with the intent to burglarize the home. Their objective was to steal money and drugs from AKERLY's home. The individuals drove to the scene in a blue 1989, Buick coupe, bearing PA registration FSK5567, and parked said vehicle on New Road, near the scene. The juvenile remained with the vehicle. The other actors walked to the house using a woodline as cover. They "cased" the home from its south side from the woodline. Three or more of the aforementioned individuals then walked to the residence armed with metal and wood baseball bats, as well as another blunt instrument, possibly a crowbar. They entered the residence through the walkout basement door on the south side of the home.

A female in the house, Jessica Marie SPENCER, w/n-f, 04/02/77, advised that an altercation took place between the actors and AKERLY. AKERLY sustained several injuries during the altercation. Following this altercation, the actors fled the scene on foot, at which time AKERLY discharged a Winchester Model 1300 shotgun in the general direction of the fleeing actors. Subsequently, AKERLY was transported to Hamot Medical Center by ambulance for treatment of the injuries he received during the altercation.

The aforementioned actors were apprehended following the commission of this incident by responding Patrol Troopers. The actors were then transported to PSP Erie.

The items listed on pg 1 of this application to be searched for and seized: Including, Any human blood, hair, fingerprints, footprints, fibers, body fluids, clothing, and any instruments that may have been used as weapons by the actors or victim during the duration of this incident, including but not limited to a pump action shotgun, (Winchester Model 1300, serial #L2290391). Photographic images of the crime scene and surrounding area. Video surveillance footage, either digital or tape, recording the arrival, exit, covert surveillance (casing) of the scene or commission of the offense by the actors. All of these items would potentially be evidence of a crime and thus subject to seizure.

In reference to the video surveillance equipment; During the initial phase of this investigation Trooper James BROWN viewed a video monitor inside the home as well as cameras mounted outside the residence, oriented so that they captured various vantage points around the home.

Your Affiant respectfully submits that due to the totality of all of the above circumstances, if you were to grant this search warrant, it would assist in the investigation of the events surrounding this incident.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature

Date

Issuing Authority Signature

Date

Page of Pages

## Commonwealth of Pennsylvania

RECEIPT / INVENTORY  
OF SEIZED PROPERTY

## COUNTY OF Erie

Docket Number

Police Incident

Warrant Control

(Issuing Authority):

Number: E1-1132424

Number: E1-1132424

Date of Search:

Time of Search:

Inventory Page Number:

02/28/05

1540-1740 HRS.

1 of 1 Pages

Trooper Mark VAN HORN

PA State Police

8075

Affiant

Agency or Address if private affiant

Badge No.

The following property was taken / seized and a copy of this Receipt / Inventory with a copy of the Search Warrant and affidavit(s) (if not sealed) was

☐ personally served on (name of person)

☒ was left at (describe the location) ON COFFEE TABLE IN LIVING ROOM.

Item Number	Quantity	Item Description	Make, Model, Serial No., Color, etc.
1	1	WINCHESTER MOD. 1300 STAINLESS MARINE 12GA. SER# L2290391	
2	1	RUGER MOD 10-22 CARBINE .22 LR. SER# 238-28647	
3	1	PARTIAL BOX WINCHESTER SUPER X 2 3/4" SHOTGUN SHELLS	
4	1	WINFAR'S SHOTGUN SHELL 12GA. UPSTAIRS HALLWAY OFF LIVING ROOM	
5	1	WINFAR'S .22 L.R. HOLLOWPOINT UPSTAIRS HALLWAY CORNER	
6	1	SPENT .22 L.R. BIRD SHOT FROM RIFLE'S CHAMBER	
7	1	MISFED .22 L.R. BIRD SHOT FROM RIFLE'S CHAMBER	
8	1	SPENT .22 L.R. BIRD SHOT FROM SOUTH END OF DECK	
9	1	SPENT .22 L.R. BIRD SHOT FROM NORTH END OF DECK	
10	1	SPENT 12GA SHELL FROM NORTH END OF DECK	
11	3	SPENT 12GA. SHELL FROM EAST DECK RAILING	
12	1	COBRAY MOD CM-11 NINE MM (LEINAM) SER# 94-0014057	
13	1	BERETTA MOD 21A. 22 LR. PISTOL SER# DAA-274181	
14	1	MAGAZINE FOR ITEM #13 CONTAINING SIX LIVE .22 L.R. BIRD SHOT	
15	1	PARTIAL BOX CCI SHOT SHELLS .22 L.R. CONTAINING 2 WINFAR'S ROUNDS	
16	2	MAGAZINES CONTAINING LIVE 9 mm ROUNDS.	

I/we do hereby state that this inventory is to the best of my/our knowledge and belief a true and correct listing of all items seized, and that I/we sign this Receipt / Inventory subject to the penalties and provisions of Title 18 Pa.C.S. 4904(b) - Unsworn Falsification to Authorities.

Signature of person Issuing Receipt / Inventory

Printed Name

Affiliation

Badge or Title

Signature of Witness

Printed Name

Affiliation

Badge or Title

Signature of person making Search

Printed Name

Affiliation

Badge or Title